

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

RENARD DEWAYNE SMITH

§

§

VS.

§

CIVIL ACTION NO. G-07-196

§

FRANCISDO QUINTANA, WARDEN


§

OPINION AND ORDER

Renard Dewayne Smith, a federal prisoner at a Federal Correctional Institution in Beaumont, Texas, filed a "Petition for Writ of habeas Corpus Pursuant to Title 28 U.S.C. §2241(a)" in which he claims the Bureau of Prisons is unconstitutionally denying him early release eligibility earned by completing a residential drug abuse treatment program while incarcerated. The Petition attacks the manner in which the duration of Smith's sentence is being determined and is, therefore, correctly filed under §2241. Unfortunately, for Smith, such a Petition must be filed in the same judicial district where he is incarcerated. See Pack v. Yusuff, 218 F.3d 448, 451 (5th Cir. 2000) The Galveston Division of the Southern District of Texas lacks subject matter jurisdiction over Smith's Petition.

It is, therefore, the **ORDER** of this Court that the "Petition for Writ of habeas Corpus Pursuant to Title 28 U.S.C. §2241(a)" of Renard Dewayne Smith is **DISMISSED for lack of subject matter jurisdiction, without prejudice to its refiling in the proper federal District Court in the Eastern District of Texas, Beaumont Division.**

DONE at Galveston, Texas this 13th day of April, 2007.


Samuel B. Kent
United States District Judge